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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,887	01/25/2001	Andrea Bimson	40655.0400	5480
66170 7590 05/01/2007 AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC. c/o SNELL & WILMER, L.L.P. ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER HUYNH, THU V	
			ART UNIT 2178	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/769,887

**Applicant(s)**

BIMSON ET AL.

**Examiner**

Thu V. Huynh

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed on 02/12/07 to application filed on 12/25/2001, which has the benefit of prior provisional filed on 01/27/2000.
2. Claims 1, 4, 6, 14 are currently amended. Claim 16 is currently added.
3. Claims 1-4, 6 and 14-16 are pending in the case. Claims 1 and 14 are independent claims.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1-4, 6 and 14-15 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.**

**Regarding independent claims 1 and 14**, these claims contain subject matter which was not described in the originally-filed specification of instant application in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims include the features of: "receiving, from a user computer, a request to view updated content web page, wherein said request includes user preferences; retrieving said component according to said user preference, wherein each components includes a category tag corresponding to said user preferences". However, examiner does not find in originally-filed specification of instant application as well as the provisional of the instant application for supporting the features in the amended claims 1 and 14.

**Dependent claims 2-4, 6 and 15** are rejected for fully incorporating the dependencies of its base.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 1, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al., US 6,684,369 B1, filed 1997, and Dabney et al., US 6,643,663 B1, filed 10/1999, and Gill et al., US 6,052,514, filed 01/1995 as previous provided by examiner "Notice of References cited" mailed on 06/14/05, Ferrel et al., US 5,860,073, filed on 07/95, and Lafer et al., US 6,192,382 B1, filed on 09/24/97.**

**Regarding independent claim 1**, Bernardo teaches managing web contents from many web site's companies, including the steps of:

- receiving, at a content management application, a request to create updated content for a content page within said company website, wherein said updated content comprises components (Bernardo, col.7, lines 14-16; col.8, lines 29-35; col.9, lines 48-64; col.10, lines 55-61; receiving a request to create, edit/update a web site, such

Art Unit: 2178

as editing/updating or adding images, logos, text, graphics, and other object/content in a web page of a company website);

- creating said components according to said request (Bernardo, col.3, lines 29-38; col.6, lines 32-56; col.8, lines 1-37; col.9, lines 48-64; col.10, lines 55-61; creating edited/updated content that comprises objects, such as images, logos, text, graphics, etc.);
- storing said each of said components within a markup language file in a database, wherein said data elements are decoupled from said content page (Bernardo, fig.1; col.5, line 51 – col.6, line 22; col.9, lines 24-47; col.10, lines 19-32; storing non-HTML objects and html objects respectively so that a user is able request both html object and non-HTML object; each object in the web site contains an associated profile document; changing a company logo in the profile document, resulting automatically update each page of the web site associated with the profile document. This inherently discloses that the logos (objects) must be decoupled from said content page);
- creating an updated content page, wherein said updated content page comprises content mapping data which includes instructions for mapping said components to said updated content page (Bernardo, col.6, lines 44-56; col.8, lines 1-12; col.10, lines 14-16; generating an HTML file comprises content mapping data for incorporating relationships for the updated content page);
- routing said updated content page to a reviewer for approval (Bernardo, col.8, lines 20-27; routing the created/edited web page to a reviewer);

Art Unit: 2178

- publishing said markup language file to said company website upon receiving approval of said updated content from said reviewer (Bernardo, col.9, lines 15-22; col.12, lines 1-10; col.23, lines 20-48); and
- receiving a request to view said updated content page (Bernardo, figures 2-3; col.5, lines 44-52; col.19, lines 1-17; user view updated web page).

Bernardo teaches databases 116 and 148 for storing non-HTML objects (elements) and html objects (elements) respectively so that a user is able request both html object and non-HTML object (Bernardo, fig.1; col.5, line 51 – col.6, line 22; col.9, lines 24-47). However, Bernardo does not explicitly disclose each of said data element is individually routed; the updated content page is created when each of said data elements has been authorized; and storing said data elements in a database globally accessible by a reviewer; retrieving said data elements according to said content mapping data of said updated content page, wherein said data elements are positioned on said updated content page according to said content mapping data; translating said markup language file from a first markup language format to a second markup language format for presentation on said company website.

Dabney teaches:

- storing updated content in a database globally accessible by a reviewer, wherein said updated content is decoupled from said content page (Dabney, col.5, line 63 – col.6, line 34; storing edited content data in a database so that a reviewer is able to review and edit the data before using in a web page).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Dabney into Benardo to store data/objects into a database

Art Unit: 2178

accessible by a reviewer, since the combination would have allowed the reviewer to review a particular object on a completed web page (Bernardo, col.12, lines 6-10) as well as review the particular object or non-web object only (Dabney, col.6, lines 20-32; Bernardo, col.6, lines 15-21).

Gill teaches routing each updated portion of a document to a reviewer and creating an updated content page when each of updated portion has been authorized by the reviewer (Gill, fig.2; col.3, lines 33-45; col.9, lines 3-64; each object areas 208 and 216 is assigned to different users for editing, such as articles or image. Each updated article is stored in a file (212) and routed to the layout designer for reviewing. The layout designer reviews, incorporates all updated articles and sends to a printing system and an archive storage device).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Gill and Bernardo and Dabney to review an updated portion of a document/web page, since the combination would have routed and notified the updated portion for the reviewer to review such portion for approval.

Ferrel teaches creating an updated content page, wherein said updated content page does not include components and comprises content mapping data which includes instructions for mapping said components to said updated content page; and retrieving said component according to said content mapping data of said updated content page, wherein said components are positioned on said updated content page according to said content mapping data (Ferrel, col.9, lines 20-46; "separate content and design using MPS rather than placing content directly on a page ... that dynamically find and display the content at runtime" and "Using this technique a publisher can change a title on a ongoing basis by merely updating the content").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Ferrel's teaching and Bernardo's teaching to retrieve and display the updated data element at runtime when a user requests to view an updated website/web page, since the combination would have provided different implementations of creating/updating a website or web page as Ferrel disclosed "major advantage of this approach is flexibility. Some part of a title may be created by hang-placing content directly on a page, and other parts may be created using dynamic synthesis" (Ferrel, col.9, lines 47-52).

Lafer teaches retrieving components according to user preferences, wherein each of said components includes a category tag corresponding to said user preferences; and positioning said retrieved components on said updated content page according to said content mapping data (Lafer, col.1, lines 59 – col.2, line 15; col.3, lines 15-22, lines 31-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Lafer's teaching and Bernardo's teaching to allow the user to request the updated/created web page, since the combination would have provided updated/created web page based on user's preferences.

**Regarding claim 16**, which is dependent on claim 1, Bernardo teaches said component comprise at least one of content components, cross-sell components, and navigation components (Bernardo, Bernardo, col.3, lines 29-38; col.6, lines 32-56; col.8, lines 1-37; col.9, lines 48-64; col.10, lines 55-61; creating edited/updated content that comprises objects, such as images, logos, text, graphics, etc.)



**Claim 14** is for a computer readable medium containing instructions for performing the method of claim 1 and is rejected under the same rationale.

8. **Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo, Dabney, Gill, Ferrel and Lafer as applied to claim 1 above, and further in view of Livingston, US 6,424,979, filed 1998.**

**Regarding dependent claim 2**, which are dependent on claim 1, Bernardo does not explicitly disclose said markup language file is in the extensible Markup Language (XML) format.

Livingston teaches markup language comprise HTML and XML (Livingston, col.12, lines 20-23).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Livingston's markup languages into Bernardo's markup language to create, edit, or update content of a website, since the combination would have facilitated generating markup language process in both popular markup languages: HTML and/or XML.

**Regarding dependent claim 3**, which are dependent on claim 1, Bernardo teaches retrieving said markup language file from said database (Bernardo, col.23, lines 20-48; retrieving the updated web page from a link to review). However, Bernardo does not explicitly teach translating said markup language file from a first markup language format to a second markup language format for presentation on said company web site.

Art Unit: 2178

Livingston teaches translating said markup language file from a first markup language format to a second markup language format for presentation on said company web site (Livingston, col.11, lines 34-36 and col.12, lines 20-23).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Livingston's markup languages into Bernardo's markup language to create, edit, or update content of a website, since the combination would have facilitated generating markup language process in both popular markup languages: HTML and/or XML.

9. **Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo, Dabney, Gill, Ferrel and Lafer as explained in claims 1 and 2 above, and further in view of Bi et al., US 6,311,178 B1, filed 09/1998 and Branson US 5,877,819, filed 04/1998.**

**Regarding dependent claim 4**, which is dependent on claim 1, Bernardo does not explicitly teach storing said markup language file includes storing said markup language file in an extensible database that is platform and software independent.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Bernardo to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Art Unit: 2178

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Bernardo to provide a database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

**Regarding dependent claim 6**, which is dependent on claim 2, Bernardo does not explicitly disclose storing said markup language file includes storing said markup language file in an extensible database that is platform and software independent, wherein said markup language file is an XML file.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Dodrill to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Bernardo to provide a

Art Unit: 2178

database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-4, 6, 14 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that the originally-filed and incorporated provisional application teach “receiving, from a user computer, a request to view said updated content page, wherein said request includes user preferences”, since “those of ordinary skill would appreciate that the steps described in section 2.2.2 take place following a request and prior to providing the requested web page to the user.

This is not persuasive. Examiner agrees that the originally-filed teaches user requests updated web page for viewing, such as requesting an XML web page. However, there is nothing in the originally-filed indicates that said request includes user preferences.

Provisional application 60/178,456 does not indicate that a request includes user preferences. Provisional application 60/178,456 merely discloses page level category: keyword tags and component level category: keyword tags. The component level category: keyword tags are used to match user's preferences, wherein user's preferences are “determined by the click count for category: keyword associated with the pages the visitor has viewed overtime”. This indicates that the user's preferences are determined in previous viewed web page, not including in the request. The teaching of providing requested web page based on user's preferences does not indicates that the user's preferences must be included in the request.

Applicants argue that the originally-filed and incorporated provisional application teach “retrieving said components according to said content mapping data of said updated content page, wherein each of said components includes a category tag created from said user preferences”.

This is not persuasive. It is noted that the claim language recites user preferences included in the request to view updated content page. Therefore, Examiner cannot find the teaching of retrieving components according to said user preferences, wherein said user preferences included in the user request to view updated content page as well as category tag created from said user preferences that included in the request in the instant application.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Himmel et al., US 6,321,256 B1, filed 05/98, teaches method for controlling client access to documents.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2178

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TVH  
April 26, 2007

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER